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MARK TERRY
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

In re Application of
Sanjeev Gupta, et al.
Application No. 10/700,431
Filed: November 4, 2003
Attorney Docket No. None

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ON PETITION

This is a decision on the petition, filed February 22, 2008, to revive the above-identified application under 37 CFR 1.137(b).

A review of the record discloses that the application became abandoned for a failure to reply in a timely manner to the final Office action mailed July 2, 2007. The present petition was filed on February 22, 2008, including, *inter alia*, a Notice of Appeal and fee, an Appeal Brief and fee, and a Request for Continued Examination (RCE) under 37 CFR 1.114. Thereafter, on February 27, 2008, applicant submitted a Request to Withdraw the Continued Examination (RCE).

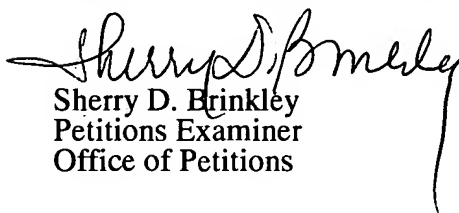
The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and the appeal fee of \$255; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

Under the circumstances of this case, the request to withdraw the RCE filed February 22, 2008 is granted. The filing fees paid for the improperly filed RCE will be refunded in due course.

The application is being referred to Technology Center AU 2191 for appropriate action on the Appeal Brief filed February 22, 2008.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions